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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,555	11/24/2003	Yasuyuki Ikeguchi	JIM-0222	1265

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EXAMINER

ALAM, MUSHFIKH I

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,555	Applicant(s) IKEGUCHI, YASUYUKI	
	Examiner Mushfikh Alam	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/28/06, 1/23/06, 7/27/05, 2/2/04.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 are rejected under 35 U.S.C. 102(3) as being anticipated by Aria et al. (2002/0133820).

Claim 1, Aria teaches a broadcasting receiver comprising:

- an analog broadcasting receiving unit (100) for receiving analog broadcasting (see fig. 1; paragraph [0008]);
- a digital broadcasting receiving unit (100) for receiving digital broadcasting (see fig. 1; paragraph [0008]);
- means for acquiring information as to whether or not the same program is being broadcast in analog broadcasting and digital broadcasting, to judge whether or not there is simulcast (see fig. 68, 70; paragraph [0214]); and

- means for displaying on a screen a message that the same program is being broadcast in digital broadcasting when analog broadcasting in simulcast is being received (see fig. 68).

Claim 2, Aria teaches the broadcasting receiver according to claim 1, wherein digital broadcasting in simulcast is received when a predetermined key is operated in a state where said message is displayed (see fig. 68; paragraph [0216]).

Claim 3, this claims is analyzed as the combination of claims 1 and 2 previously discussed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aria et al. (2002/0133820) in view of Ibrahim Sezan et al. (2004/0268390) and further in view of Arora (2003/00189720).

Art Unit: 2623

Claim 4, note the discussion of claim 1 above. Aria teaches a broadcasting receiver configured such that a channel can be changed by comprising a channel UP/DOWN key, a broadcasting receiver comprising:

- simulcast broadcasting being performed (see paragraph [0008]).

Aria does not teach a broadcasting receiver configured such that a channel can be changed by comprising a channel UP/DOWN key, a broadcasting receiver comprising:

- means for erasing an analog channel on the basis of an internal clock from a list in said channel UP/DOWN key.

Ibrahim Sezan teaches a broadcasting receiver configured such that a channel can be changed by comprising a channel UP/DOWN key (EPG), a broadcasting receiver comprising:

- means for erasing a channel (i.e. a user choosing a digital channel preference will erase analog channels) on the basis of an internal clock (broadcast schedule) from a list in said channel UP/DOWN key (graphical user interface) (see paragraph [0235]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a user preference where a user would prefer digital channels as taught by Ibrahim Sezan to the broadcasting system of Aria because it permits a user to narrow down the choices of channels he would like to view (see paragraph [0235]).

Arora teaches a broadcasting receiver configured such that a channel can be changed by comprising a channel UP/DOWN key (EPG), a broadcasting receiver comprising:

- means for erasing a channel (removing a channel from surf list based on user preferences) on the basis of an internal clock (broadcast schedule) from a list in said channel UP/DOWN key (EPG) (see fig. 2; paragraph [0020]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a customizable channel list (surf list) based on user preferences as taught by Arora, where the user preference is to only view digital channels as taught by Ibrahim Sezan to the broadcasting system of Aria because a user can define how he would like his surf list to be displayed (see paragraph [0020]).

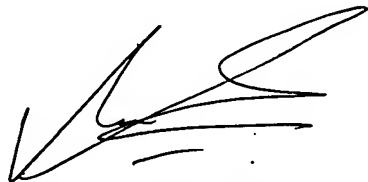
Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mushfikh Alam whose telephone number is (571) 270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA
8/23/2007



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